

DRIVEWAY REGULATIONS
WEBSTER, NEW HAMPSHIRE

AdoptedMarch 7, 2006

AmendedDecember 20, 2007

WEBSTER FIRE RESCUE DRIVEWAY REQUIREMENTS

- All driveways must meet NFPA code requirements
- Driveways must be 12 feet in width
- Driveways with a slope greater than 15% are prohibited
- Driveway must terminate within 50 feet of the structure

Long or Steep Slope Driveways

- ❖ Driveways longer than 300 feet in length and/or driveways having a slope greater than 5% shall have a driveway plan designed and certified by a licensed surveyor or engineer. A copy of the plan needs to be approved by the authority having jurisdiction prior to a building permit being issued.
- ❖ Every three hundred feet there shall be an improved turnout, which is 8 feet wide and 15 feet long
- ❖ Every driveway of more than 300 feet shall include at its terminus a vehicular turnaround sufficient in size and design to allow Webster Fire equipment to turn
- ❖ For driveways with a slope greater than 10%, the first 20 feet from the public road must be at a slope of 5% or less

Webster Driveway Regulations

Authority & Purpose

Pursuant to the authority vested in the Webster Planning Board by the voters in the Town of Webster on March 9, 1971 and by the provisions of RSA 236:13 and RSA 672-677, as amended, the Webster Planning Board adopts the following regulations to replace all previously existing Town Driveway Regulations.

The purpose of these regulations is to provide a uniform procedure for the receipt and review of applications and the issuance of driveway permits. All review of applications shall be in accordance with the following principles:

- (a) Provide maximum safety and protection to the traveling public through the orderly control of traffic movement;
- (b) Minimize conflict points;
- (c) Acquire appropriate sight distances;
- (d) Maintain the serviceability of affected highways;
- (e) Monitor the design and construction of driveway entrances and exits;
- (f) Maintain compliance with The Webster Zoning Ordinance, RSA 236:13, as amended, and all other applicable laws, ordinances, rules, and regulations; and
- (g) Compliance with these regulations shall not relieve the applicant from the responsibility to comply with other federal, state or local laws, ordinances, rules and regulations.

Definitions

The definitions as found in the Webster Zoning Ordinance and Subdivision Regulations, as amended, are hereby incorporated as appropriate with the following additions and/or modifications:

- (a) “Driveway” means any point of vehicular access to a street, regardless of how the driveway is configured within the property of the applicant.
- (b) “Grade” means the inclination which is determined as the change in the vertical distance to a corresponding horizontal distance. The grade is measured in % (percentage) units. For example, a two (2) foot rise in a driveway over a horizontal distance of 50 feet would result in a grade of 4%.
- (c) “Swale” means a depression in the surface of the land of specified depth and location designed and constructed to drain water.

Requirements

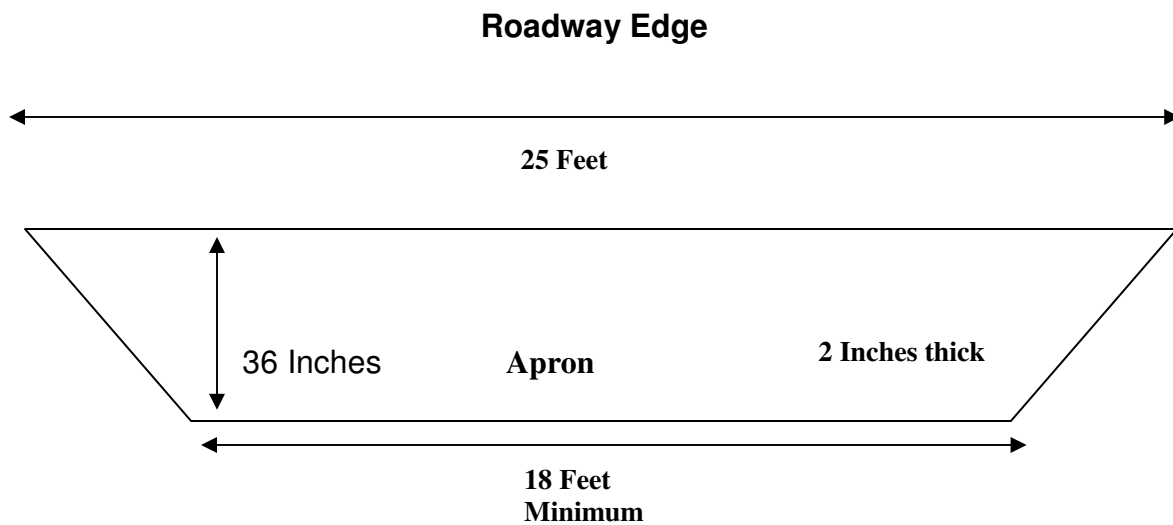
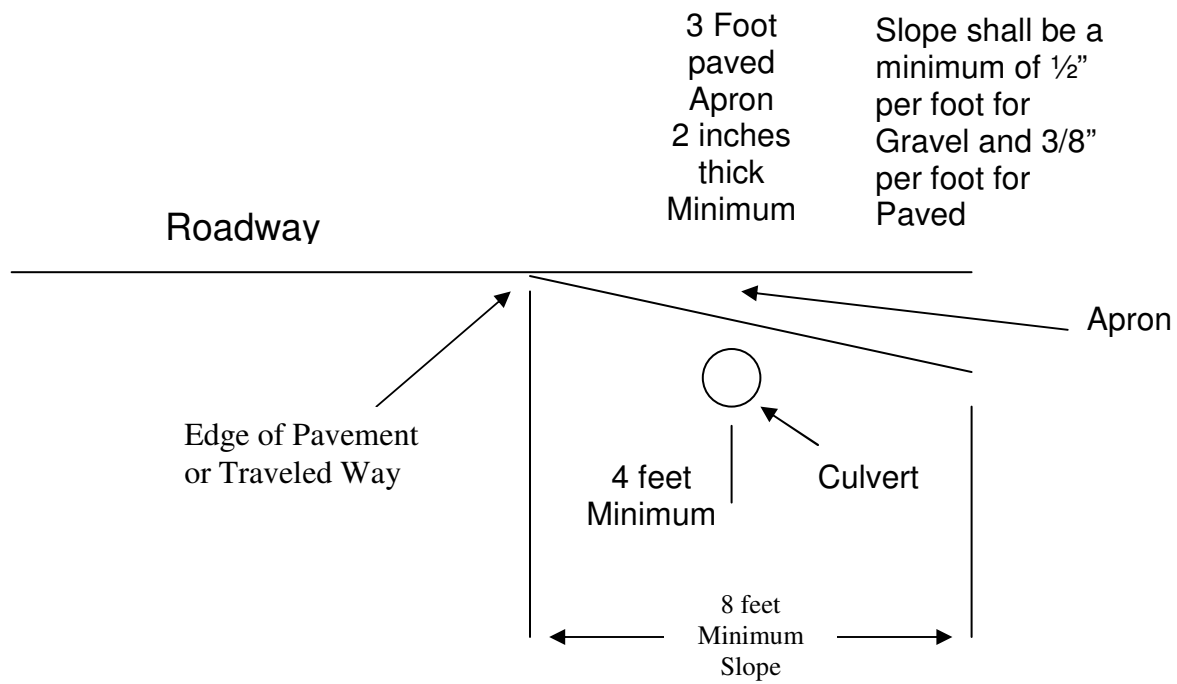
- A. To construct or modify a driveway in the town of Webster, a driveway permit must be obtained. It is the responsibility of the property owner to obtain all other necessary permits.
- B. All Driveways must be built and maintained in accordance with the following specifications. The Applicant shall submit with the application a drawing of sufficient detail and scale (a) to depict the layout of the proposed driveway within the parcel it is to access; and, (b) to demonstrate compliance with all distance, slope, grade, depth, angle, drainage, access and egress, and other specifications required in these regulations. Such drawing shall also show compliance with the specifications for an apron (Section B(10)) and any necessary or proposed culverts (Sections B(1) and (2)) in the format provided in the Driveway Configuration, attached to and made a part of these regulations, as such may be amended from time to time. No departure from these specifications shall be allowed without written approval from the Webster Planning Board or its agent.
 1. Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and maintained by the homeowner or developer.
 2. In no case shall the culvert pipe under a driveway be less than 15 inches in diameter or less than four (4) feet from the edge of the road pavement or traveled way.
 3. The driveway shall have an all-season safe sight distance of 200 feet in each direction, as a line that encounters no visual obstruction between two (2) points, each located 3 feet 9 inches above the traveled surface, and so located as to represent the critical line of sight between the operator of a vehicle exiting the driveway and the operator of a vehicle approaching along the road from either direction. The all season line of sight requirement shall be 250 feet where the lot is one of a series of five (5) or more adjoining lots with less than 250 foot frontage. For the purpose of B 3 a lot on the opposite side of traveled way shall be considered to be adjoining.
 4. Driveways shall intersect the roadway at a preferred angle of 90 degrees but in no case shall the intersecting angle be less than 50 degrees. Driveway centerlines, from the point where they intersect the edge of the traveled way of the associated street, continuously to a point of 20 feet outside the right-of-way of said street, shall be at an angle relative to said edge of the traveled way as close as practical to 90 degrees but in no circumstances less than 50 degrees. All driveways shall include all-season turnarounds sufficient to

eliminate any need to back vehicles into the traveled way of the associated street.

5. Driveway return radii (the rounding of the corner where the edge of the driveway meets the edge of the road pavement of traveled way) shall not exceed 25 feet.
6. No driveway will be permitted to be constructed within 75 feet of an intersecting road. Driveways on opposite sides of the street must be offset sufficiently so as to avoid turning conflicts. No part of any driveway shall be located within 10 feet of an abutter's property line. For the purpose of B 6 the public way shall not be considered to be an abutting property.
7. Driveways serving a single dwelling shall be a minimum of 12 feet wide and a maximum of 16 feet wide. Driveways serving two dwellings shall be a minimum of 18 feet wide and a maximum of 20 feet wide.
8. All driveways shall be constructed to slope away from the roadway surface at a pitch of at least ½ inch per foot for a distance of at least eight (8) feet from the edge of the pavement or traveled way.
9. In no case shall the grade of any ten-foot segment of the driveway exceed +/- 15%.
10. Driveways intersecting a paved road shall have a paved apron extending for a minimum of 25 feet along the edge of the street pavement, but in no case less than required to encompass the full distance along which the driveway, including return radii, meets the pavement. The apron will extend for a distance of at least three feet from the edge of the road pavement, shall be a minimum of two (2) inches thick, and shall be placed over appropriate base materials to minimize settling and movement.
11. No driveway shall be permitted which the Planning Board considers likely to become a danger to the public.
12. No more than one driveway, entrance, exit or approach from any one highway to any one parcel of land shall be permitted unless the frontage along the highway exceeds 500 feet. Driveways serving or intended to serve a dwelling must connect to a class V or better public highway or to a road shown on a plat approved by the Planning Board.
13. The Planning Board or its agent may issue temporary driveway permits for time-limited access for logging and agricultural uses. The Planning Board or its agent may, in its discretion and also in accordance with the purposes and intent of these regulations, relax or otherwise modify the requirements of these regulations for such time-limited logging and agricultural uses.

14. The Planning Board may designate certain roads or areas where approach, angle and slope requirements are calculated not from the edge of the traveled way but rather from that point where the roadway right of way or property line abuts the applicant's property.

- C. The Planning Board may, at its discretion, permit a driveway to service two residences provided there is no other means to access a suitable building lot. In no event shall a common driveway serve more than two residences. A two unit dwelling as described in the *Town of Webster Zoning Ordinance*, Article V, Paragraph 3 shall be considered two residences.
- D. The issuance of a driveway permit does not guarantee that the safe access requirements needed for the issuance of a building permit have been met.
- E. The Planning Board may require an engineering study, site plan, inspection or other expert advice and the Planning Board, or its agent, may conduct an on-site inspection of the proposed driveway at any stage of construction. The applicant shall be responsible for all expenses related to any such requirements. By submission of an application, the applicant shall be deemed to have acknowledged and consented to the provisions of this Section.
- F. When an application is made for a driveway to access a structure or building that is to be newly used or revived as a dwelling, that building or structure shall not be occupied until the Planning Board has indicated, by its written confirmation on the original application, that the construction of the driveway has been completed in accordance with these regulations.



STATE MINIMUM DRIVEWAY STANDARDS

RSA 236:13 contains a few standards that apply regardless of what local regulations may require, or whether there are local driveway regulations. RSA 236:13 applies to local as well as state highways. Some of the minimum standards are:

- No driveway connection can be more than 50 feet wide. RSA 236:13, IV(a).
- No parcel of land can have more than one driveway connection unless that parcel's highway frontage exceeds 500 feet (RSA 236:13, IV(b)) and unless it is proven that there is a 400-foot safe sight distance in both directions at a height of 3 feet, 9 inches above the pavement. RSA 236:13, III(b) and (c).

OWNER MUST MAINTAIN

RSA 236:13, VI, enacted in 1997, provides that all private driveway connections, including structures like culverts, remain the continuing responsibility of the landowners, even if they are in the right of way and even if the driveway pre-dates the driveway permit system. If any driveway connection threatens the highway due to plugged culverts, siltation, etc., the planning board or its designee can order the owner to repair it. If the owner doesn't comply, the municipality can do the repair and charge its costs to the owner.

An owner's right of access can be limited by regulation, but it can't be denied altogether without paying compensation. *Tilton v Sharpe*, 84 N.H. 43 (1929); also see Chapter 4. A town's exercise of authority under RSA 236:13 "cannot greatly impair or prohibit the use of the access unless it is purchased or taken by eminent domain with adequate compensation to the owner." *Treat v. State*, 117 N.H. 6 (1977).

A landowner's vested right of access consists only of reasonable access to the system of public highways in general, not of a particular access site. *Merit Oil of New Hampshire, Inc. v. State*, 123 N.H. 280 (1983).

" [A] great variety of situations may arise in which the relative rights of the owner and the traveling public can be determined by no set rules or formulae, but in which the reasonableness of the proposed use must be determined by weighing its unusual dangers to the public against the inconvenience and disadvantage to the owner arising from its denial." *Tilton v. Sharpe*, 85 N.H. 138,140.

Application number: _____

Town of Webster
Driveway Application

Property Owner: _____

Mailing Address: _____

Telephone: _____

Location of Proposed Driveway:

Address: _____

Tax Map: Map _____ Lot _____

Merrimack County Registry of Deeds: Book _____ Page _____

The property owner understands and agrees:

To construct the driveway as described and shown on this application and in compliance with all applicable regulations and that failure to do so shall void this application.

To indemnify and hold harmless the Town of Webster and its agents against all claims of damage or injury whatsoever that may arise from the encumbrance, occupation, obstruction, or use of the highway; or of any exercise of this application.

To install and maintain the driveway so that no drainage, stones, earth, brush or other debris runs onto the Town's traveled way.

To maintain the driveway culvert, swales, ditches, etc. in satisfactory operating condition regardless of their location.

That it is his responsibility that the proposed driveway shall be constructed in conformance with all the provisions of the New Hampshire Department of Transportation; Webster zoning, subdivision and driveway regulations; New Hampshire RSA 236:13 (as amended) as well as any other applicable RSA's and Administrative Regulations; the NFPA Uniform Fire Code; and all Federal, State and local wetlands and environmental regulations and further that this application shall not be complete until the applicant has obtained all necessary permits and waivers from these authorities

That the acceptance of this application by the Planning Board does not constitute a use permit and that an inspection will be performed after the driveway is completed to determine if the work has been completed as specified. By such signature the Planning Board does not indicate compliance with the regulations of other authorities. That the Planning Board or their agent may retain expert consultants of their choosing and any expense so incurred will be born by the applicant.

That if the driveway becomes a potential threat as described under RSA 236:13 the Planning Board may issue an order for its repair at the landowner's expense and if such order is not complied with then may take whatever action may be necessary to protect the highway and the traveling public and that the landowner shall be liable for all of the Town's costs in taking such action.

That it is solely the responsibility of the applicant to obtain any and all permits that may be required by other authorities and that the acknowledgement of this application as completed as specified by the Planning Board does not certify that the proposed driveway is in compliance with regulations established by any other authority.

That this application is not transferable and is valid for two years from the date of its first acceptance by the Planning Board.

That the dwelling shall not be occupied until the Planning Board has indicated by its signature that the construction has been completed as specified.

Property owner signature(s) & date

Acceptance of application (for construction only) by Planning Board signature & date

Acceptance of design (prior to construction) by Fire Chief signature & date

Completed as specified by Planning Board signature & date

Planning Board Use:

The following additional requirements must be met:

Culvert: Diameter _____ Length _____ Made of _____
Distance from top of culvert to driveway surface _____

Ditch/Gutter _____

Other _____

